

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Oct 05, 2022

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ELIZABETH MAHAN,

Plaintiff,

v.

CORE VALUES ROADSIDE
SERVICE, LLC, and MARK
HYNDMAN,

Defendants.

No. 2:20-CV-00106-ACE

ORDER TO DISMISS, WITHOUT
PRJUDICE, FOR FAILURE TO
PROSECUTE

BEFORE THE COURT is Plaintiff's complaint filed on June 25, 2019. ECF No. 1. The matter was transferred to the Eastern District of Washington on March 18, 2020. ECF No. 19. On September 15, 2021, Plaintiff's counsel moved to withdraw, and the Court eventually granted this request. *See* ECF Nos. 40-44. The Clerk's Office attempted to deliver a copy of the Court's order granting the motion to withdraw to Plaintiff's last known address, but the mail was returned as undeliverable. ECF Nos. 44-45.

On July 27, 2022, the Court directed Plaintiff to show cause why this matter should not be dismissed for her failure to prosecute the case. ECF No. 48. Plaintiff was advised that if she failed to show cause within the specified period of time, this action would be dismissed without prejudice.

On September 21, 2022, this case was reassigned to the undersigned, and the parties were informed of their right to decline consent of the assignment to a magistrate judge. No timely declination of consent was received by the Court.

ORDER - 1

1 To date, Plaintiff has not filed anything in this matter, new counsel has not
2 appeared, and Plaintiff has failed to provide a current address to the Clerk of the
3 Court. The Court has additionally received no response to the July 27, 2022 show
4 cause order.

5 The Court may dismiss a case for failure to prosecute under Federal Rule of
6 Civil Procedure 41(b), which provides: "If the plaintiff fails to prosecute or to
7 comply with . . . a court order, a defendant may move to dismiss the action or any
8 claim against it." *Martin v. Colvin*, 2014 WL 358588 at *2 (W.D. Wash. 2014).
9 "A federal district court has the inherent power to dismiss a case *sua sponte* for
10 failure to prosecute, even though the language of Federal Rule of Civil Procedure
11 41(b) appear[s] to require a motion from a party." *Chambers v. NASCO, Inc.*, 501
12 U.S. 32, 49 (1991).

13 Plaintiff has failed to comply with the Court's order to show cause and has
14 failed to advance this case. Accordingly, **IT IS ORDERED** Plaintiff's complaint,
15 ECF No. 1, is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute.

16 **IT IS SO ORDERED.** The District Court Executive is directed to file this
17 Order, provide copies to Plaintiff and counsel, and **CLOSE THE FILE**.

18 DATED October 5, 2022.



A handwritten signature in blue ink, reading "Alexander C. Ekstrom", is written over a horizontal line.

ALEXANDER C. EKSTROM

UNITED STATES MAGISTRATE JUDGE